



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
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June 5, 1953

Hon. Allan Shivers  
Governor of Texas  
Austin, Texas

Letter Opinion No. MS-51

Re: Interpretation of Section 2  
of Senate Bill 335 wherein  
it provides: "He shall be  
paid a salary which shall  
be equal to the total salary  
paid to district judges of  
Harris County."

Dear Governor:

You have requested an opinion construing the following language in Section 2 of Senate Bill 335 of the 53rd Legislature:

"He judge of the court of domestic relations shall be paid a salary which shall be equal to the total salary paid to district judges of Harris County."

This language is capable of two interpretations: One interpretation being that the judge of the court of domestic relations is to receive the same salary as a district judge receives from all sources; the second interpretation being that the judge of the court of domestic relations shall receive a salary equal to the combined total salaries of all district judges of Harris County.

It was held in Wood v. State, 133 Tex. 110, 126 S.W. 2d 4, 7 (1939):

"It is the settled law that statutes should be construed so as to carry out the legislative intent, and when such intent is once ascertained, it should be given effect, even though the literal meaning of the words used therein is not followed."

In 39 Texas Jurisprudence, Statutes, Section 91, pages 172-174, it is stated:

"An important rule to be observed in statutory interpretation is that an act should be given

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a fair, rational, reasonable and sensible construction, considering its language and subject-matter, and with a view to accomplishing the legislative intent and purpose. In other words, construction should comport with common sense and justice, and irrational conclusions or deductions should be avoided. Contrariwise, according to the terms used in the decisions, a statute should not be given a 'forced', 'fancy', 'strained', 'subtle' or 'technical' construction, nor one that is nonsensical or unreasonable, in the absence of compelling language found in the enactment." (Emphasis added)

Harris County has 12 district judges. Article 199, V.C.S. We are of the opinion that the legislative intent in providing for the salary for the judge of the court of domestic relations, an inferior court compared to the district court, is to pay the judge of the court of domestic relations the same salary as a district judge receives in Harris County. Any other construction would result in the judge of the court of domestic relations receiving a much greater salary than that paid any other officer of the State. Such construction would be strained and unreasonable.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
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SCR:am:wb